

## REMARKS

The present application currently has six (6) claims, with Claim 1 being an independent claim. All claims stand rejected.

### **35 U.S.C. § 112:**

Claims 1-4 apparently were rejected under 35 U.S.C. § 112, second paragraph, (Claim 1 is not mentioned, but it contains the same cross-sectional shape limitation cited in the discussion of Claims 2 and 3.) Specifically, that the recitation of “the cross-sectional shape of the body rotates” was found to be confusing. The Applicant has amended Claims 1-3 to indicate that the cross-sectional shapes, not shape, of the body rotate about the central axis. The use of the plural signifies that any section of the bottle has the same shape along the length of the bottle. *See* paragraphs 0023, 0027, and 0029.

In Claim 4, the recitation that the cross-sectional shape was not rotated was found to be confusing. The Applicant respectfully traverses the rejection. The specification states that any section has the same shape between the lower end 9 and the top end 10. Paragraph 0027. The rotation stops atop the top end 10.

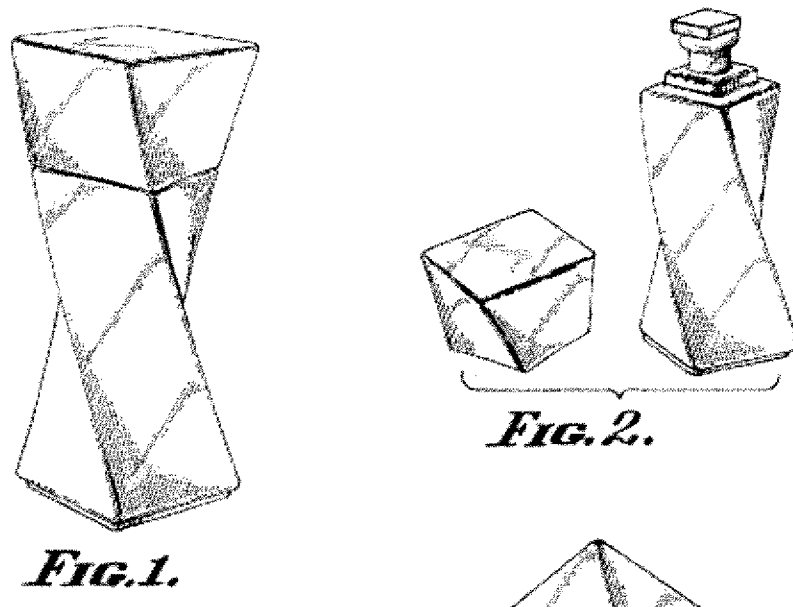
The term “six angles” in Claim 6 was found to be confusing. This has been corrected.

### **35 U.S.C. §103:**

Claims 1-4 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Design Patent No. 168,932 in view of U.S. Patent No. 2,858,558 to Sudbeaz or U.S. Design Patent No. 293,944 to Trabattoni. Frydlender was described as showing a bottle having a regular

polygon with each angle rounded off in an arc with the cross-sectional shapes having the same shape in any portion. Sudbeaz and Trabattoni taught that it was known to make a bottle from either plastic or glass.

In response to the last office action, the Applicant pointed out that Frydlender is not a bottle with a neck and shoulders, but rather, Fig. 1 shows an extended block that is twisted from top to bottom. In response, the Examiner states that the neck and shoulders are shown when the closure is removed in Fig. 2.



The Applicant continues to respectfully traverse the rejection. Claim 1 specifically recites a bottle with a neck and a shoulder and also that the cross-sectional shapes of the body rotate about the central axis in proportion to the height. The bottle of Figs. 1, 3, and 4 of Frydlender do not have the neck and the shoulder. The topless bottle of Fig. 2 does not show the cross-sectional shapes of the body rotating along the entire height. Rather, the rotation stops

prior to reaching the square shape about the top once the cap is removed. As such, Frydlender does not show a bottle that meets the limitations of Claim 1.

In response to the previous office action, the Applicant also pointed out that Frydlender does not show the use of a rounded arc on the corners as is specifically claimed. Rather, each corner appears to be relatively sharp. Such sharp corners would defeat the purpose of reducing deformation while enhancing resistance to vertical loading. In response, the Examiner stated that the Applicant's definition of an arc is broad, including a cross-section with 32 sides such that the corners of Frydlender read on the arc as claimed.

The Applicant continues to traverse the rejection. The Applicant notes that Claim 1 still calls for a plastic bottle. The Applicant submits that one of ordinary skill in the art would not be motivated to create a plastic bottle with the ninety degree angles as is shown. *See* paragraph 0029. The Applicant thus submits that independent Claim 1, and the dependent claims thereon, are patentable over the cited references.

Claims 1-4 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Frydlender in further view of U.S. Design Patent No. 520,374 to Herrmann, et al. over U.S. Design Patent No. 328,432 to O'Riley. The Applicant respectfully traverses the rejection for the reasons described above.

Claim 5 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Frydlender in further view of U.S. Patent No. 5,928,742 to Sugiura. The Applicant respectfully traverses the rejection for the reasons described above.

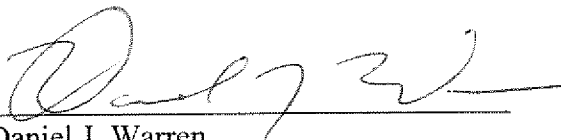
Claim 6 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Frydlender in further view of U.S. Patent No. 5,238,129 to Ota or U.S. Design No. 318,422 to Rummey. The Applicant respectfully traverses the rejection for the reasons described above.

### CONCLUSION

The Applicant believes that it has responded to each matter raised in the Office Action.  
Any questions can be directed to the undersigned at 404.853.8028.

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Respectfully submitted,

  
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